

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1(b)

815957

**Phelan Hallinan Diamond & Jones, PC**  
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Philadelphia, PA 19103  
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**Attorneys for PHH Mortgage Corporation**

In Re:

Brian T. Fultz



Order Filed on August 9, 2019  
by Clerk

U.S. Bankruptcy Court  
District of New Jersey

Case No: 18-26234 - RG

Hearing Date: July 17, 2019

Judge: Rosemary Gambardella

Recommended Local Form:



Followed



Modified

**ORDER RESOLVING APPLICATION TO EXTEND OR TERMINATE LOSS MITIGATION**

The relief set forth on the following page, numbered two (2) is hereby **ORDERED**.

**DATED: August 9, 2019**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Applicant:	<u>PHH Mortgage Corporation</u>
Applicant's Counsel:	<u>Phelan Hallinan Diamond &amp; Jones, PC</u>
Debtor's Counsel:	<u>Russell L. Low, Esquire</u>
Property Involved ("Collateral"):	<u>610 MCBRIDE AVENUE, WEST PATERSON, NJ 07424-2822</u>

For good cause shown, it is **ORDERED** that Applicant's Objection to the Application to Extend the Loss Mitigation Order is resolved, subject to the following conditions:

1. Loss Mitigation period is hereby extended to September 23, 2019 with no extensions with the only exception that if the documents are pending a decision by PHH Mortgage Corporation and not yet rendered.
2. If a loan modification is not offered by September 23, 2019, the Debtor must either:
  - a. Modify the Chapter 13 Plan to fully cure the secured Creditor's post-petition arrearages claim as defined by Proof of Claim 2 filed November 27, 2018; or
  - b. Surrender the subject property; or
  - c. Convert case to a Chapter 7 case.
3. If a loan modification is not secured by Debtor on or before March 11, 2019, Secured Creditor may proceed with a Motion for Relief with no further delays caused by Debtor's re-entry or participation in the Court's Loss Mitigation Program.
4. Debtor shall tender adequate protection payments to PHH Mortgage Corporation as required by the Loss Mitigation Program (LMP). The adequate protection payments will continue only while the Debtor is in LMP. The Loss Mitigation Program is scheduled to terminate on September 23, 2019. If the Debtor fails to make adequate protection payments, PHH Mortgage Corporation will file an Application for Early Termination of LMP. Once the Loss Mitigation Program terminates on September 23, 2019, or an earlier date confirmed by the court, the Debtor shall cease tendering the reduced adequate protection payments and begin making regular monthly mortgage payments to PHH Mortgage Corporation as required by the mortgage and note.
5. The instant Order does not replace rules and procedures of the Court's Loss Mitigation Program and both parties are bound by same.
6. This Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.
7. Both parties agree that this will be the final extension of the loss mitigation in the underlying bankruptcy case.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Brian T. Fultz  
Debtor

Case No. 18-26234-RG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Aug 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 11, 2019.

db +Brian T. Fultz, 610 McBride Avenue, Second Floor, Woodland Park, NJ 07424-2822

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 11, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 9, 2019 at the address(es) listed below:

Kevin Gordon McDonald on behalf of Creditor U.S. Bank National Association, as Trustee for  
Securitized Asset Backed Receivables LLC Trust 2006-NC2, Mortgage Pass-Through Certificates,  
Series 2006-NC2 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Nicholas V. Rogers on behalf of Creditor PHH MORTGAGE CORPORATION nj.bkecf@fedphe.com  
Russell L. Low on behalf of Debtor Brian T. Fultz rbear611@aol.com,  
ecf@lowbankruptcy.com;r57808@notify.bestcase.com  
Sherri Jennifer Smith on behalf of Creditor PHH MORTGAGE CORPORATION nj.bkecf@fedphe.com,  
nj.bkecf@fedphe.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6